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(213) 974-1411

February 26, 2003

Ms. Jill Stecher, Counsel
Legal Division
Fair Political Practices Division
P.O. Box 807
Sacramento, California 95812

Dear Ms. Stecher:

**Proposed Regulation 18329.5 Commission Advice Procedure-
Government Code Sections 87300 - 87306**

I appreciate the opportunity to provide this office's input regarding proposed Regulation 18329.5 at the Interested Persons meeting earlier this month and in our telephone conversation last week. As promised, this letter summarizes the concerns and recommendations of the Executive Office of the Board of Supervisors, which functions as the filing officer and conflict of interest code review staff of the code reviewing body for Los Angeles County.

The code reviewing body is given sole responsibility under Government Code Sections 82011 and 87302 to review and approve conflict of interest codes submitted to it by agencies within its jurisdiction. Therefore, the code reviewing body should be the final step in any dispute resolution procedure involving questions of whether an individual is a public official under the act, or whether a designated employee's reporting requirements are correct.

An individual or an agency should be required to seek advice or review by the code reviewing body in instances where there is some question or disagreement concerning whether an individual or class of employee should be included in an agency's conflict of interest code. This is part of the normal code review process, but whether addressed during normal code review procedures or as part of an "appeal" procedure, the code reviewing body logically must be the required final step.

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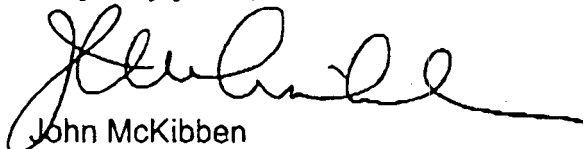
I believe that, in most instances, disputes can be resolved locally without the necessity of involving the Commission staff. However, it may be appropriate to write a regulation to permit a code reviewing body to pursue advice from the Commission, either independently or jointly with an agency and/or an individual.

In the event that the Commission adopt a regulation that does permit an agency or individual to jointly seek advice *prior* to submitting a conflict of interest code to the code reviewing body, the regulation should permit the Commission to provide only informal assistance that would not be binding on the code reviewing body.

We see no problem with the Commission reserving the determination as to whether an individual is a "public official who manages public investments" pursuant to Section 87200. Furthermore, the COMMENT on the last page of the draft is appropriate.

Again, thank you for this opportunity. I look forward to continuing to work with you on this issue. If you need any clarification, please call me at (213) 974-1405.

Very truly yours,



John McKibben
Deputy Executive Officer